

May 29, 2002

## **Public Notice for 401 Certification**

### **Conversion of 64-acre Parcel to Vineyard and Supporting Facilities on Seaview Road near Fort Ross Mendocino County**

On February 20, 2002 the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Serge Stanich on behalf of Peter Michael Winery requesting Water Quality Certification pursuant to administrative regulations and the Clean Water Act Section 401.

The application proposed conversion of 56.4 acres of the 391-acre Seaview property to a vineyard, 2.0 acres of newly constructed and reconstructed roads, a 20 acre-foot reservoir covering 3.6 acres of land surface, and 0.3 acres for a caretaker's facilities, residence, and barn. The project site is located approximately 2.5 miles northeast of Fort Ross State Historic Park headquarters, in Sections 7 and 18 of Township 8 North, Range 12 West, Mount Diablo base and meridian. The proposed vineyard will consist of four units: unit A, which is 21.8 acres including a 2.1-acre forest rehabilitation area; unit B, which is 27.5 acres and includes the previously mentioned reservoir; unit C, which is 11.8 acres; and unit D, which is 1.0 acre.

The proposed project will commence in summer 2002 and proceed according to the following schedule: First Conversion Season - reservoir construction, site preparation in previously logged areas of unit A, logging, road building, waterline installation, clearing of the remainder of the project site, installation of erosion and sediment control measures (prior to October 15), consolidation of logging and clearing waste, and commencement of vineyard development; First Winter Period – conduct semi-monthly inspections of erosion and sediment control measures and burn slash piles; Second Conversion Period - complete logging, clearing, and slash removal, continue vineyard development, install deer fencing, and install and/or repair erosion and sediment control measures (prior to October 15); Second Winter Period – monitor, maintain, and/or repair all erosion and sediment control measures; Third Conversion Season - continue any unfinished vineyard development, and implement routine annual maintenance.

The site has historically been used for grazing and logging. It currently supports annual grassland, second-growth Douglas fir/mixed hardwood forest, and Oregon oak woodland plant communities. Douglas fir forest and annual grassland are the dominant communities on the site. Water bodies onsite are groundwater seep/spring wetlands and intermittent streams. The project property also borders the South Fork Gualala River for several thousand feet. The project proposal includes permanent drainage and fill of 0.89 acres of the wetlands, and re-routing of 1,033 feet (0.04 acres) of intermittent stream through underground pipes. In addition, 400 feet of intermittent stream will be filled as an erosion control measure.

Irrigation will be conducted by an underground water delivery system from the reservoir to the four vineyard units. In addition, a proposed storm water collection system will collect storm water runoff through drop inlets and convey it to the reservoir or to energy dissipaters. An erosion and sediment control plan has been developed for the project. Proposed watercourse crossings will mainly be rocked fords and single-span bridges. Temporary crossings will be needed to allow access for harvest and construction equipment, and to provide a staging area for the construction of bridges. Channel restoration will be done following completion of permanent crossing structures in the form of stabilization using seeding, mulching, geotextile materials, and

armoring. Techniques will also be used to facilitate cleanup and restoration activities following construction of temporary crossings, such as placement of geotextile fabrics along the channel.

Several federally listed animal species are known to occur or could potentially occur in the project area or geographic region. These species are bald eagle, northern spotted owl, marbled murrelet, and showy Indian clover. None of these species were observed during field surveys of the project site, and suitable foraging and/or nesting habitat is not present on-site for the bald eagle or marbled murrelet.

Mitigation is proposed in the form of minimum erosion control measures prepared in accordance with the Forest Practice Rules and the Lake or Streambed Alteration Agreement 1603 permit (LSAA) from the California Department of Fish and Game (CDFG). The applicant has proposed construction of a 1.5-acre reservoir, which will provide open water habitat. In addition, a proposed 0.2 acres of fresh water marsh habitat will be constructed in the reservoir. On-site detention basins will provide similar functions and values to natural wetlands. Proposed restoration includes 0.6 acres of currently unstable areas along the proposed road, that might otherwise contribute to sediment loads in local waterways. Fill of 400 feet of intermittent stream is proposed as mitigation as an erosion control measure. Proposed mitigation for destruction of forest habitat is in the form of preservation of 35 acres of forest adjacent to the South Fork Gualala River. Finally, a mitigation and monitoring plan will be developed through coordination with the appropriate resource agencies.

An application for an individual permit from the U.S. Army Corps of Engineers was submitted in December 2001 (file No. 25304N). In addition, a "no take" certification for the northern spotted owl from U.S. Fish and Wildlife Service (USFWS) is required. However, USFWS provided a letter of technical assistance on January 2, 2000, stating that the operation as proposed would not be likely to result in incidental take of northern spotted owls, provided that operations were completed before February 2001. Two registered professional foresters conducted surveys in 2001 and 2002. Results of these latest surveys will be forwarded to USFWS along with a request for certification that the proposed project will not result in incidental take of northern spotted owls (no anticipated date of completion). A Timber Harvest Plan (THP) was submitted to California Department of Forestry (CDF) in November 2001 and is currently under review (THP # 1-01-223 SON). A Timberland Conversion Plan was submitted to CDF in February 2002, and CDF will perform a California Environmental Quality Act analysis on the project (anticipated date of completion is spring 2002). An application for a LSAA was submitted to CDFG in January 2002. A grading permit for reservoir construction and vineyard preparation, compliance with Sonoma County Vineyard Erosion and Sediment Control Ordinance, building permit for the residence and barn onsite, and an encroachment permit for road construction activity where the proposed road meets Seaview road have been or will be prepared in spring 2002.

At this point staff at the Regional Water Board is in the process of reviewing the proposed project and addressing the decision regarding the issuance of a Waiver of Waste Discharge Requirements and Water Quality Certification 401 Permit. In addition, staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this letter. If you have any questions or comments, please contact staff member Andrew Jensen by phone at (707) 576-2683.